

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Thankgod Awogu, Chizzy pro
Case No. D2024-1900

1. The Parties

The Complainants are Chevron Corporation and Chevron Intellectual Property LLC, United States of America (“United States”), represented by Demys Limited, United Kingdom.

The Respondent is Thankgod Awogu, Chizzy pro, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <chevronenergy.ltd> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2024. On May 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 31, 2024.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on June 5, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainants are (1) Chevron Corporation, a United States based multinational energy and technology company engaged in oil and gas industry, and (2) Chevron Intellectual Property LLC, a United States based company holding the Complainants' group's intellectual property rights (collectively the "Complainant").

Founded in 1879, the Complainant and its subsidiaries operate in over 180 countries under their trademark and trade name CHEVRON. One of the Complainant's subsidiaries operates in the United Kingdom under the name "Chevron Energy Limited".

The Complainant holds many trademark registrations in the United States and worldwide for its CHEVRON trademarks, including:

- United States Trademark Registration No. 364683, registered on February 14, 1939, for goods in class 4;
- United Kingdom Trademark Registration No. UK00000638572, registered on July 12, 1945, for goods in class 4;
- New Zealand Trademark Registration No. 51223, registered on October 30, 1951, for goods in class 4; and
- Australia Trademark Registration No. 131733, registered on April 11, 1957, for goods in class 1.

The Complainant operates an official website under the domain name <chevron.com>, registered on April 13, 1990.

The disputed domain name was registered on October 31, 2023.

According to Whois records, the Respondent is Thankgod Awogu, Chizzy Pro, located in Nigeria. In the "About Us" section of the website to which the disputed domain name resolves, the Respondent claims to be a company incorporated in New Zealand under the number "1485579".

The Respondent refers to itself as "CHEVRONENERGY" throughout the website and presents itself as an international financial company engaged in investment activities related to trading on financial markets and cryptocurrency exchanges, real estate investment, and investments in stocks and gold. Additionally, the Respondent offers services in the oil and gas market.

The Respondent also displays a "company certificate" on its website for users to download. This "certificate" states that the Respondent is registered in Australia as "CHEVRONENERGY" under the number "1485579", without providing any additional address or other information.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- (1) the disputed domain name is confusingly similar to the Complainant's registered CHEVRON mark because it consists of its trademark in its entirety together with the term "energy" as well as the generic Top-Level Domain ("gTLD") ".ltd" which is required for technical reasons. However, the gTLD ".ltd" should

not be ignored in this case because it actually increases the confusing similarity of the disputed domain name. With the addition of the gTLD “.Ltd”, the disputed domain name identifies the Complainant’s United Kingdom subsidiary “Chevron Energy Limited”. The registration of the earliest trademark of the Complainant’s predates the registration of the disputed domain name by more than 84 years;

(2) the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither a licensee nor authorized to use the trademark. There is no evidence that the Respondent has been commonly known as “chevron” or “chevron energy”. The additional use of the term “energy” in the disputed domain name only increases the association with the Complainant and does not vest the Respondent with rights or legitimate interests in the disputed domain name. The Respondent has no rights to any trademark consisting of or incorporating the Complainant’s trademark, or to the disputed domain name; and

(3) the Respondent has registered and used the disputed domain name in bad faith. The nature of the disputed domain name is confusing to Internet users, since it incorporates the Complainant’s trademark in its entirety and merely adds the generic term “energy”, which is descriptive of the Complainant’s energy business operations. The Complainant’s CHEVRON trademark is well known around the world, and the Respondent should have known that its registration of the disputed domain name containing CHEVRON and the term “energy” would be mistakenly perceived by consumers as being associated with, connected to, or originating from the Complainant. The disputed domain name has been flagged by the Internet browsers Google Chrome and Firefox as a “potential security risk”. The Respondent’s use of a fake company certificate to mislead consumers into believing it is a legitimate business shows a clear absence of any conceivable good faith use by the Respondent and can only indicate bad faith intentions. Attempting to deceive Internet users cannot be a bona fide use and avers that any such use must be abusive to or take unfair advantage of the Complainant’s rights.

The Complainant requests transfer of the disputed domain name to it.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

6.1 Procedural matter – consolidation of Complainants

Prior UDRP panels have determined that it is appropriate for companies to bring a joint complaint under the following conditions:

1. The complainants have a specific common grievance against the respondent, or the respondent has engaged in conduct that has similarly affected the complainants’ individual rights.
2. It would be equitable and procedurally efficient to permit the consolidation. For complaints brought against multiple respondents (regardless of the number of complainants), the criteria are: (i) the domain names or websites in question are under common control; and (2) the consolidation would be fair and equitable to all parties.

Refer to section 4.16 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions (“[WIPO Overview 3.0](#)”) for further details on when it is appropriate for multiple companies to act as joint complainants.

The Panel finds that these criteria are satisfied and that it is appropriate to have joint complainants in this proceeding. See *eBay Inc., PayPal Inc. v. Rene Rene/Wuxi Yilian LLC*, WIPO Case No. [D2015-0010](#), and *Altria Group, Inc. and Philip Morris USA Inc. v. Leonard Di Bari*, WIPO Case No. [D2014-0181](#), which found consolidation appropriate for a parent company and its wholly-owned subsidiaries.

6.2 Substantive matter

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the trademarks or service marks in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The disputed domain name consists of the registered trademark CHEVRON and the term "energy". In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will be considered confusingly similar. The element "energy" in the disputed domain name does not prevent the finding of confusingly similarity as the Complainant's trademark CHEVRON remains clearly recognizable ([WIPO Overview 3.0](#), sections 1.7 and 1.8).

The Panel notes that the gTLD ".ltd" is required only for technical reasons and, as is common in proceedings under the UDRP, is generally ignored for the purposes of comparison of the Complainant's trademarks to the disputed domain name ([WIPO Overview 3.0](#), section 1.11.1).

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks and that the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

There is neither any relation, disclosed to the Panel, nor otherwise apparent from the records, between the Respondent and the Complainant. It does not appear that the Complainant has ever licensed or otherwise permitted the Respondent to use its CHEVRON trademarks or to apply for or use any domain name incorporating the same trademarks.

Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name. Additionally, the case file provides no indication that the Respondent has used the disputed domain name for a bona fide offering of goods or services, or for legitimate noncommercial or fair use. After examining the content of the website to which the disputed domain name resolves (detailed in the section 6.C below), it is clear that such website is fraudulent in design and solely aimed at capitalizing upon the reputation of the Complainant's trademark. Moreover, given the Complainant's subsidiary "Chevron Energy Limited", the Panel concludes that the inclusion of the term "energy" in the disputed domain name and its registration under the ".Ltd" TLD strengthens the association with the Complainant and does not grant the Respondent any rights or legitimate interests in the disputed domain name.

The Respondent has failed to counter the Complainant's prima facie case and has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, as outlined in the Policy or otherwise.

Therefore, the Panel finds that the Respondent does not have rights or any legitimate interests in the disputed domain name within the meaning of Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent, especially as the content of the Respondent's website includes references to oil, gas, and energy investment opportunities, should have known that its registration of the disputed domain name containing CHEVRON and the term "energy" would be mistakenly perceived by consumers as being associated or connected with, or originating from the Complainant, in accordance with section 3.2.2 of the [WIPO Overview 3.0](#).

The Complainant's CHEVRON trademark is well known around the world. The registration of the earliest trademark of the Complainant's predates the registration of the disputed domain name by more than 84 years. As the case file explicitly shows, the Complainant's shares are traded on Nasdaq, and operates in all major oil and gas regions across the globe, including Australia, New Zealand, and Africa.

Furthermore, the disputed domain name incorporates the Complainant's mark in its entirety and merely adds a generic term "energy" which is descriptive of the Complainant's energy business operations. One of the Complainant's subsidiaries in the United Kingdom operates as "Chevron Energy Limited", mirroring the disputed domain name as a whole.

Therefore, it is inconceivable for this Panel that the Respondent registered or has used the disputed domain name without knowledge of the Complainant's rights in CHEVRON, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain name incorporates the Complainant's distinctive trademark CHEVRON entirely (see also *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / gabriel levy*, WIPO Case No. [D2022-2616](#)).

As it was found out, the Whois data reveals the Respondent's name as "Thankgod Awogu, Chizzy pro" and its location as Nigeria. However, it claims on its website to be a company incorporated under the name "CHEVRONENERGY" in New Zealand and displays a company certificate of its incorporation in Australia under the number "1485579". The Panel has carefully inspected the case file and conducted limited factual research into matters of public record in strict accordance with [WIPO Overview 3.0](#), section 4.8, particularly the United Kingdom Companies House Register (the logo and name of which are mentioned on the certificate available on the website to which the disputed domain name resolves). The Panel found no legally registered company under this number in Australia or the United Kingdom. Furthermore, although the certificate references the Australian Companies Register, it contains a coat of arms that resembles that of

the United Kingdom. Therefore, it is more likely that the Respondent is using a fake company certificate to mislead consumers into believing it is a legitimate business, which shows a clear absence of any conceivable good faith use by the Respondent and can only indicate bad faith intentions. This implies that it is more likely than not that the disputed domain name is being used for malicious purposes (see also *The Commissioners for HM Revenue and Customs v. Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-0957](#)).

Furthermore, there are other examples indicating bad faith on the part of the Respondent, such as the disputed domain name being flagged by the Internet browsers “Google Chrome” and “Firefox” as a “potential security risk”. The Panel finds that attempting to deceive Internet users cannot be a bona fide use and avers that any such use must be abusive or take unfair advantage of the Complainant’s rights.

Given the above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has fulfilled the third element under paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <chevronenergy.ltd> be transferred to the Complainant Chevron Intellectual Property LLC.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: June 13, 2024